

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:17-mj-71
v.)	
)	Judge Steger
JAMES ALLEN BOWERS)	

MEMORANDUM AND ORDER

JAMES ALLEN BOWERS (“Defendant”) came before the Court for a Preliminary Hearing, pursuant to Fed. R. Crim. P. 5.1, on April 6, 2017, after being charged in a Criminal Complaint supported by an Affidavit [Doc. 1]. Defendant was present at the hearing, along with his attorney, Myrlene Marsa. The Government was represented by AUSA Michael Porter.

Attorney Porter called as witness ATF Agent Scott Musgrave. On direct examination, Agent Musgrave testified under oath to the facts contained in the Affidavit submitted in support of the Criminal Complaint [Doc. 1]. Select text messages exchanged between Defendant and his wife were introduced as Exhibit 1. Attorney Marsa then cross-examined Agent Musgrave.

Defendant took the stand and testified under oath. Defendant denied ownership of the firearms found in his residence and testified that he was not serious about the death threats. Defendant was cross-examined by Attorney Porter.

Based on the Preliminary Hearing, the Court makes the following findings which are relevant to a finding of probable cause with respect to the charge made in the Criminal Complaint:

1. The testimony of Agent Scott Musgrave is credible and reliable.
2. On February 16, 2017, law enforcement executed a search warrant at Defendant’s residence in Decatur, Tennessee. During the search, they discovered two loaded firearms and ammunition, along with chemicals and equipment consistent with methamphetamine manufacture.
3. Defendant has previously been convicted of a crime punishable by imprisonment for a term exceeding one year.
4. The firearms found at the residence were manufactured outside of the state of Tennessee and traveled in interstate commerce.
5. Defendant made admissions to law enforcement that he possessed the firearms.

6. Defendant sent texts to his wife that could reasonably be interpreted to be death threats directed toward her and other members of her family.
7. Defendant admitted methamphetamine use.

Based upon these findings by the Court, it is hereby ORDERED that sufficient credible and reliable evidence was offered by the government to establish that **there is probable cause** to believe that the offense alleged in the Criminal Complaint entitled *United States v. James Allen Bowers*, Case No. 1:17-mj-71, specifically that Defendant has violated 18 U.S.C. § 922(g)(1), possession of a firearm by a convicted felon, has been committed and that Defendant James Allen Bowers has committed such offense. Accordingly, Defendant James Allen Bowers will be held to answer in District Court.

SO ORDERED.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE